

TODD KIM  
Assistant Attorney General

SEAN C. DUFFY (NY Bar No. 4103131)  
FRANK J. SINGER (CA Bar No. 227459)  
Trial Attorneys  
United States Department of Justice  
Environment & Natural Resources Division  
Natural Resources Section  
150 M Street NE  
Washington, DC 20002  
Telephone: (202) 305-0445  
Facsimile: (202) 305-0506  
[sean.c.duffy@usdoj.gov](mailto:sean.c.duffy@usdoj.gov)

*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION**

**KELSEY CASCADIA ROSE JULIANA, et al.,** Case No. 6:15-cv-01517-AA  
Plaintiffs,

v.

**DEFENDANTS' MOTION FOR ENTRY  
OF JUDGMENT**

**UNITED STATES OF AMERICA, et al.,**  
Defendants.

Defendants hereby move for entry of judgment in favor of the United States and against Plaintiff Earth Guardians, pursuant to Federal Rules of Civil Procedure 54(b) and 58, and for the dismissal of Earth Guardians' claims for lack of Article III standing.<sup>1</sup>

The Ninth Circuit has reversed this Court's orders on Defendants' Motion to Dismiss the Complaint, Motion for Judgment on the Pleadings, and Motion for Summary Judgment, and

---

<sup>1</sup> Pursuant to Local Rule 7.1, the Parties exchanged emails concerning this motion on September 8-9. While Defendants offered to confer by telephone, Plaintiffs refused telephonic conferral unless the United States first provided a copy of the motion. The United States submits that the email exchanges, combined with the offer to confer by telephone, satisfy Local Rule 7.1.

remanded the case to this Court “with instructions to dismiss for lack of Article III standing.” *Juliana v. United States*, 947 F.3d 1159, 1170, 1175 (9th Cir. 2020).

On March 9, 2021, Plaintiffs moved for leave to file a second amended complaint. Pls.’ Mot. to Amend, ECF No. 462. Plaintiffs contend that this Court may grant their motion—by which they purport to cure the jurisdictional defects identified by the Ninth Circuit—rather than dismissing the claims per the Ninth Circuit’s mandate. The United States has opposed Plaintiffs’ motion. Defs.’ Br. in Opp’n to Mot. for Leave to File a Second Am. Compl., ECF No. 468.

On July 16, 2021, Plaintiffs submitted a “revised” proposed Second Amended Complaint. Supp. to Pls.’ Mot. for Leave to File Second Am. Compl., ECF No. 514. In their submission, Plaintiffs seek to delete all references to plaintiff Earth Guardians because Earth Guardians has declined to join Plaintiffs’ Motion for Leave to File a Second Amended Complaint. *Id.* at 2.

Because the Ninth Circuit has ordered that the claims of all Plaintiffs be dismissed, and because Plaintiff Earth Guardians no longer seeks to join in Plaintiffs’ efforts to amend the Complaint, Defendants respectfully request that the Court enter judgment in favor of the United States and against Plaintiff Earth Guardians, and dismiss Earth Guardians’ claims for lack of Article III standing.

Dated: September 9, 2021

TODD KIM  
Assistant Attorney General  
United States Department of Justice

/s/ Sean C. Duffy  
SEAN C. DUFFY (NY Bar No. 4103131)  
FRANK J. SINGER (CA Bar No. 227459)  
Environment & Natural Resources Division  
Natural Resources Section  
150 M Street NE  
Washington, DC 20002  
Telephone: (202) 305-0445

Facsimile: (202) 305-0506  
[sean.c.duffy@usdoj.gov](mailto:sean.c.duffy@usdoj.gov)

*Attorneys for Defendants*